

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAURA BENY,

Plaintiff,

v.

UNIVERSITY OF MICHIGAN, *et al.*,

Defendants.

Case No. 22-cv-12021

Honorable David M. Lawson

Magistrate Judge Elizabeth A. Stafford

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S
MOTION TO COMPEL (ECF NO. 85)**

Plaintiff Laura Beny moves to compel defendants' supplemental responses to her first and second requests for production. ECF No. 85. The Honorable David M. Lawson referred the motion to the undersigned for hearing and determination under 28 U.S.C. § 636(b)(1)(A). ECF No. 86. The Court ordered the parties to meet and confer, and they filed a joint statement of unresolved issues. ECF No. 88; ECF No. 91. The Court held a hearing on the unresolved issues on November 13, 2023.

The Court **GRANTS IN PART AND DENIES IN PART** Beny's motion to compel. For the reasons stated on the record during the hearing,

defendants are ordered to produce documents in accordance with the determinations below:

- First Request for Production (RFP) 4: Defendants are to produce disciplinary files in Defendant Mark West's possession, custody, or control for all tenured professors at the University of Michigan Law School from 2013 to 2023.
- First RFP 18: Defendants agreed to produce Linda Weilfaert's personnel file and a file that Weilfaert's supervisor maintained about her, which contain Weilfaert's complaints about Professor Mathias Reimann. Any record in West's possession, custody, or control of disciplinary action taken against Reimann must be produced in response to RFP 4.
- First RFP 19: Defendants agreed to produce Weilfaert's personnel file and a file that Weilfaert's supervisor maintained about her, which contain Weilfaert's disciplinary and termination files. No further production is necessary for RFP 19.
- First RFP 24: Beny asks defendants to produce every student complaint against tenured or tenure-track professors at the law school. This request is neither relevant nor proportional. Student complaints can range from insignificant to serious accusations, and

Beny's discipline stemmed not from the student complaints against her but from her response to the complaints. No production is necessary for RFP 24.

- Second RFP 10:¹ Any record in West's possession, custody, or control of disciplinary action taken against Reimann must be produced in response to RFP 4. No further production is necessary for RFP 10.
- Second RFP 11: Defendants are to produce documents about the three student complaints against law school faculty referenced during Associate Dean Kristina Daugirdas's deposition.² The parties will confer about the notice process required for production under the Family Educational Rights and Privacy Act and submit a stipulation and proposed order summarizing that process.

¹ Judge Lawson ordered that "[d]iscovery must be completed on or before November 3, 2023." ECF No. 82. The Court reads this as a general extension of the discovery deadline, rather than a limited extension of expert discovery. See ECF No. 81, PageID.1798-1799 (permitting continued expert discovery, document discovery, and depositions). Thus, Beny's second requests for production were timely.

² The complaints were made by students Julian Hemming, Christina Vaucarell, and Chelsea Parker.

- Second RFP 12: Defendants are to produce records in West's or Daugirdas's possession, custody, or control about Registrar Rashida Douglas's complaints against Reimann.

Defendants must make the ordered productions by December 4, 2023.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: November 15, 2023

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 15, 2023.

s/Marlana Williams
MARLENA WILLIAMS
Case Manager